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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,837	11/21/2003	J. Eric Lauritzen	CRUI/0008	3620

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EXAMINER

BATES, ZAKIYA W

ART UNIT PAPER NUMBER

3676

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,837

Applicant(s)

LAURITZEN ET AL.

Examiner

Zakiya W. Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-17, 22-24, 27-30, 32-37, 43-51, 53, 55 and 72-81 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-30, 32-37, 43-51, 53, 55 and 72-79 is/are allowed.
- 6) ☒ Claim(s) 1-11, 15, 22, 23, 27, 80 and 81 is/are rejected.
- 7) ☒ Claim(s) 12, 14, 16, 17 and 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-11, 15, 22, 23, 27, 80, and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,565,496.

US 4,565,496 discloses a method that includes, with respect to claim 1, a method of removing produced fluid from a well producing both gas and liquid, the method comprising; utilizing produced gas flowing from a formation to power a produced liquid pump 40; and carrying the produced liquid from the pump and the produced gas towards surface in separate fluid streams 16, 18. With respect to the depending claims, the reference teaches the limitations as claimed, including valves 50, 58, commingle means (in 52), and piston, rotary, or reciprocating pump. With respect to claim 27, the reference discloses a method of bullheading a gas producing well containing liquid, the method comprising: pumping gas F into a well to displace liquid lying in the well towards surface; then once the level of liquid in the well has fallen below a predetermined level allowing produced gas G to flow and power a liquid pump 40; and carrying gas G and liquid L from the pump towards surface in separate fluid streams 16, 18. With respect to claim 80, the reference discloses a method that includes pumping a gas into the well to force the liquid lying in the well back into a

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formation; allowing the gas and a produced gas to flow from the formation to power a liquid pump; and carrying gas, and liquid from the pump, towards surface in separate fluid streams (col. 3, lines 21-35). With respect to claim 81, the method teaches co-mingling (in 52) the separated fluid streams.

Allowable Subject Matter

2. Claims 12, 14, 16, 17, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 28-30, 32-37, 43-51, 53, 55, and 72-79 are allowed.

Response to Arguments


4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant's arguments filed 2/27/06 have been fully considered but they are not persuasive. Arguments with respect to the US 4,565,498 reference allege that the pump is powered by pressurized fluid. However, the pump operates by formation fluids (liquid, gas, vapors) in a pressure chamber. Therefore, the formation gases are used in combination with the pressurized surface fluids to operate the pump. See col. 3, lines 21-35.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya W. Bates whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Zakiya W. Bates
Primary Examiner
Art Unit 3676

zb
May 25, 2006